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**RESCISSION OF PREVIOUS  
NONPUBLICATION REQUEST**

(35 U.S.C. 122(b)(2)(B)(ii))

AND, IF APPLICABLE,

**NOTICE OF FOREIGN FILING**

(35 U.S.C. 122(b)(2)(B)(iii))

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|                      |   |
|----------------------|---|
| Application Number   | 10/065,704  |
| Filing Date          | 11/12/2002  |
| First Named Inventor | John S. Fisher  |
| Title                | Bioabsorbable Marker Having<br>External Anchoring Means |
| Atty Docket Number   | 1139.23   |
| Group Art Unit       | 3737  |
| Examiner             | Lin, Jeoyuh   |

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby **rescind** the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

*If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).*

10/03/03

Date

727-507-8558

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Ronald E. Smith

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| Name (Print/Type) | Deborah Preza | Date | October 3, 2003 |
| Signature         |               |      |                 |

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**Applicant: John S. Fisher et al.**

**Serial No.: 10/065,704**

**Filed: 11/12/2002**

**For: Bioabsorbable Marker Having External Anchoring Means**

**Our Reference No.: 1139.23**

**Art Unit: 3737**

**Examiner: Lin, Jeoyuh**

**Confirmation No.: 4253**

Dear Sir:

Enclosed please find the following:

1. Request to Rescind Previous Nonpublication Request with a Certificate of Mailing under 37 C.F.R. § 1.8 dated October 3, 2003; and
2. Self-addressed and postage pre-paid post card to serve as a receipt for item 1.

Very respectfully,

**SMITH & HOPEN**

By: Ronald E. Smith

*ron.smith@baypatents.com*

RES/dp  
Encl.

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